

# EXHIBIT

# 43

KING  
VS.  
PARKER, et al.

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30(b)(6)

STEVEN TURLEY

September 17, 2021



Deborah H. Honeycutt, LCR

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF TENNESSEE  
3                   AT NASHVILLE

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4                   TERRY LYNN KING,

5                   Plaintiff,

CAPITAL CASE

6                   vs.

Case No. 3:18-cv-01234

7                   TONY PARKER, et al.,

JUDGE CAMPBELL

8                   Defendants.

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13                   Videoconference Deposition of:

14                   STEVEN TURLEY 30(B) (6) UTAH DEPARTMENT OF  
15                   CORRECTIONS

16                   Taken on behalf of the Defendants  
17                   September 17, 2021

18                   Commencing at 10:00 a.m.

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4                 The videoconference deposition of  
5 STEVEN TURLEY 30(b) (6) UTAH DEPARTMENT OF  
6 CORRECTIONS was taken by counsel for the  
7 Defendants, by subpoena, with all participants  
8 appearing at their respective locations, on  
9 September 17, 2021, for all purposes under the  
10 Tennessee Rules of Civil Procedure.

11                 All objections, except as to the form of  
12 the question, are reserved to the hearing, and said  
13 deposition may be read and used in evidence in said  
14 cause of action in any trial thereon or any  
15 proceeding herein.

16                 It is agreed that Deborah H. Honeycutt,  
17 Notary Public and Licensed Court Reporter for the  
18 State of Tennessee, may swear the witness remotely,  
19 and that the reading and signing of the completed  
20 deposition by the witness is not waived.

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\* \* \*

THE REPORTER: Good morning. My name is Deborah Honeycutt. I am a stenographic reporter with Elite-Brentwood Reporting Services. My license number is 472. Today's date is September 17, 2021, and the time is approximately 10:00 a.m. Central time.

This is the deposition of Steven Turley  
30(b)(6) Utah Department of Corrections in the  
matter of Terry Lynn King vs. Tony Parker, et al.,  
filed in the United States District Court for the  
Middle District of Tennessee. The Case Number is  
3:18-cv-01234.

This deposition is being taken by videoconference, and the oath will be administered remotely by me. Any digital exhibits marked during this deposition will be deemed as "original" for purposes of said deposition, with the actual original document retained by counsel introducing the exhibit for purposes possibly needed for in-court hearing.

At this time, I'll ask counsel to identify yourselves and state whom you represent. If you have any objections with the procedures I've

1 outlined, please state so when you introduce  
2 yourself. We will start with the noticing attorney.

3 MR. MITCHELL: Good morning. My name is  
4 Rob Mitchell. I'm an attorney with the Tennessee  
5 Attorney General's Office, and I represent the  
6 defendants in this case, Tennessee Department of  
7 Correction, Commissioner Tony Parker, and Riverbend  
8 Maximum Security Institution Warden Tony Mays.

9 With me are Scott Sutherland, Dean  
10 Atyia, and Cody Brandon. All are Deputy or  
11 Assistant Attorney Generals with the Tennessee  
12 Attorney General's Office, and all of them represent  
13 the two defendants in this case.

14 MR. ATYIA: I haven't entered an  
15 appearance. I do not represent the defendants. I'm  
16 here to observe.

17 MR. MITCHELL: I misspoke. Mr. Atyia  
18 has not entered an appearance in this matter,  
19 although he is an employee of the Tennessee Attorney  
20 General's Office.

21 MS. NELSON-MAJOR: Good morning. My  
22 name is Hayden Nelson-Major. I'm with the Federal  
23 Community Defender Office for the Eastern District  
24 of Pennsylvania. I represent Plaintiff Terry King.  
25 And also on the Zoom are my co-counsel Sarah Miller

1 and Jeremy Gunn of the law firm Bass, Berry & Sims.

2 MR. BOKOVOY: Good morning. My name is  
3 Dan Bokovoy. That's spelled B, as in Bravo,  
4 O-K-O-V, as in Victor, -O-Y. I represent the Utah  
5 Department of Corrections. I'm with the Utah  
6 Attorney General's Office. And my client is  
7 Mr. Steven Turley.

8  
9 \* \* \*

10 STEVEN TURLEY 30(b) (6) UTAH DEPARTMENT OF CORRECTIONS  
11 was called as a witness, and after having been duly  
12 sworn, testified as follows:

13  
14 EXAMINATION

15 QUESTIONS BY MR. MITCHELL:

16 Q. Good morning, Mr. Turley.

17 A. Good morning.

18 Q. My name is Rob Mitchell. I'm an attorney  
19 with the Tennessee Attorney General's Office. A  
20 couple of ground rules I would like to go over  
21 before we begin your deposition. If I ask you a  
22 question and you can't hear me, will you agree to  
23 ask me to repeat that question?

24 A. I will.

25 Q. And if I ask you a question and you don't

1 understand what I'm asking, will you ask me to  
2 clarify that question?

3 A. I will.

4 Q. Your counsel may have told you this, but  
5 breaks are completely fine. Any time you want to  
6 take a break just let us know. The only rule with  
7 that is we can't take a break between me asking a  
8 question and you answering a question. Can we agree  
9 to that?

10 A. Well, if you ask a question and I need to  
11 speak to my counsel about it, can we go on mute?

12 Q. Yes. Yes. We can probably do that. I  
13 think --

14 A. Okay.

15 Q. I think that can be a default rule if you  
16 need to speak with your counsel.

17 A. Okay. Yes.

18 Q. Mr. Turley, are you under the influence of  
19 anything, including medications, that could affect  
20 your ability to testify truthfully and accurately  
21 today?

22 A. No, I am not.

23 Q. Do you have any medical condition or  
24 diagnosis that could affect your testimony today?

25 A. I do not.

1 Q. What is the highest level of education you  
2 received, Mr. Turley?

3 A. High school.

4 Q. And have you ever given a deposition before?

5 A. Several.

6 Q. About how many?

7 A. Six, seven.

8 Q. When was the last deposition you took?

9 A. A couple years ago, 2019.

10 Q. Was that in Ohio?

11 A. That was.

12 Q. Have you ever testified in court before?

13 A. Yes.

14 Q. How many times?

15 A. Oh, I don't even know. A few.

16 Q. At least ten?

17 A. No. Less than that.

18 Q. Did you speak to anyone to prepare for your  
19 testimony today?

20 A. I did.

21 Q. Who did you speak to?

22 A. Mr. Bokovoy.

23 Q. Did you speak to anyone else to prepare for  
24 your testimony today?

25 A. No.

1 Q. Did Mr. Bokovoy read anything to you?

2 A. Yeah, he did.

3 Q. Did you read anything yourself to prepare for

4 your testimony today?

5 A. I have.

6 Q. What did you read to prepare for your

7 testimony today?

8 A. Policy and procedure, prior deposition

9 documents, as well as other documents that were

10 submitted for this deposition.

11 Q. When you say policy and procedure, is that

12 the June 10th, 2010 Utah Department of Corrections

13 policy and procedure for executions?

14 A. I don't know the number, but it is our policy

15 and procedure for executions is what I read.

16 Q. And do you have some documents in front of

17 you, Mr. Turley?

18 A. I do.

19 Q. What documents do you have in front of you?

20 A. Prior deposition documents and some packets

21 that you received -- or some documents that you

22 received via email from prior executions, or

23 pictures of a chair, the chamber, a media packet,

24 et cetera.

25 Q. In the prior deposition testimony that you

1 reviewed, was that your own deposition testimony?

2 A. Yes, it was, as well as Mr. Pay's (phonetic.)

3 Q. Would that be Greg Pay?

4 A. That would be.

5 Q. Was that testimony of Mr. Pay given in an  
6 Ohio case?

7 A. I believe so.

8 Q. And was your prior testimony that you  
9 reviewed given in an Ohio case?

10 A. It was. The one I reviewed for this, it was.

11 Q. Did you review any other testimony from  
12 anyone to prepare for your deposition today?

13 A. I did not.

14 Q. Is there anything else you haven't mentioned  
15 that you reviewed to prepare for your testimony  
16 today?

17 A. No.

18 Q. Mr. Turley, are you aware that you've been  
19 designated by the Utah Department of Corrections as  
20 a Rule 30(b) (6) representative witness?

21 A. I am.

22 Q. Just one moment. Mr. Turley, can you see  
23 this document right here?

24 A. I can.

25 Q. And do you see where it says amended notice

1 of deposition?

2 A. Uh-huh.

3 Q. Have you seen this document before?

4 A. I saw it on my email but I did not read it.

5 Q. And do you see where it says that Defendant  
6 Tony Parker, Commissioner of the Tennessee  
7 Department of Correction, and Tony Mays, Warden of  
8 Riverbend Maximum Security Institution, give notice  
9 to Plaintiff and his counsel of the attached  
10 subpoena seeking the production of documents and  
11 testimony from the Utah Department of Corrections?

12 A. I can see that, uh-huh.

13 Q. Is that the deposition we're here for today?

14 A. I believe so.

15 Q. And did you see this portion of the subpoena  
16 where it says topics of examination?

17 A. No, I did not.

18 Q. Can you see Topic Number 1? Are you able to  
19 read that?

20 A. Utah's protocol for performing an execution  
21 by firing squad.

22 Q. And are you prepared to discuss that topic  
23 today?

24 A. From what I know, yes.

25 Q. And Topic Number 2, the equipment used to

1 carry out an execution by firing squad in Utah, is  
2 that a topic you're also prepared to talk about  
3 today?

4 A. To the best of my knowledge, yes.

5 Q. And Topic Number 3, the layout of the  
6 facilities used for carrying out an execution by  
7 firing squad in Utah, is that a topic you're  
8 prepared to talk about today?

9 A. Yep. Yes.

10 Q. Topic 4, the planning and construction of the  
11 facilities used to carry out execution by firing  
12 squad in Utah, are you prepared to talk about that  
13 topic?

14 A. Yeah. From what I know on that, yes.

15 Q. And Topic Number 5, the maintenance of the  
16 facilities used to carry out execution by firing  
17 squad in Utah, are you also prepared to talk about  
18 that topic?

19 A. Yeah, I am.

20 Q. Topic Number 6, the outfitting of the  
21 facilities used to carry out execution by firing  
22 squad in Utah, including any ballistics safety  
23 equipment used, is that a topic you're prepared to  
24 testify about?

25 A. Yes.

1 Q. Topic 7, the sources constructed to plan and  
2 construct facilities used to carry out execution by  
3 firing squad in Utah, are you prepared to talk about  
4 Topic 7?

5 A. Yes, limited, but I can talk about it.

6 Q. Topic 8, the selection and training of  
7 personnel to perform execution by firing squad in  
8 Utah, are you prepared to talk about that topic?

9 A. I am.

10 Q. And Topic 9, the cost and resources  
11 associated with implementing and carrying out the  
12 protocol for conducting execution by firing squad in  
13 Utah, are you also prepared to talk about Topic 9?

14 A. I am. I know very little on that but -- but  
15 I am.

16 MR. MITCHELL: If we could make this  
17 Exhibit 1, please.

18 (WHEREUPON, a document was marked as  
19 Exhibit Number 1.)

20 BY MR. MITCHELL:

21 Q. And Mr. Turley, do you understand that your  
22 answers are the answers of the Utah Department of  
23 Corrections?

24 A. I do.

25 Q. And if I say UDC, can we agree that that

1 means the Utah Department of Corrections?

2 A. Sure.

3 Q. Do you refer to the Utah Department of  
4 Corrections as UDC?

5 A. I do.

6 Q. Mr. Turley, what is your position with UDC?

7 A. I am a division director over special  
8 projects currently.

9 Q. And how long have you been in that role?

10 A. Since about 2013.

11 Q. And what are your job responsibilities in  
12 that role?

13 A. Currently I oversee a construction of a new  
14 prison facility.

15 Q. And is that new prison facility open with  
16 inmates yet?

17 A. No.

18 Q. When is the prison facility anticipated to  
19 open?

20 A. Next year in June. 2022 in June.

21 Q. And before taking on your current role in  
22 2013, what was your role with the Utah Department of  
23 Corrections?

24 A. I was a division director over administrative  
25 services for a time. I can go through my whole

1 career if you want in 20 seconds.

2 Q. Why don't you do that. That sounds good.

3 A. Okay. I started in 1990. Moved up the  
4 ranks -- sergeant, lieutenant, captain, deputy  
5 warden, warden -- from 2007 to 2010. Division  
6 director over prison operations from 2010 to 2013.

7 And from 2013, I was division director over  
8 prison projects, interim audit director, as well as  
9 administrative services director. And currently for  
10 the last five years, I've just specifically been  
11 division director over prison projects, overseeing  
12 construction of facilities.

13 Q. When you were a warden from 2007 to 2010, was  
14 that at a single prison or multiple?

15 A. It's a campus-wide. It had -- well, it's --  
16 it's two -- it's one prison but it houses 4,000  
17 inmates, both female, male, minimum, maximum,  
18 medium, work camp. It's all-in-one.

19 Q. And what's the name of that prison?

20 A. The Draper -- the Utah Draper Facility.  
21 Draper Utah Facility.

22 Q. And at the time you were warden, were  
23 executions in Utah performed at the Draper Facility?

24 A. They were.

25 Q. And now in September of 2021, if there is an

1 execution in Utah, would it be performed at the  
2 Draper Facility?

3 A. It would be.

4 Q. When you were warden, were any executions  
5 performed at the Draper Facility?

6 A. There was one.

7 Q. And what was the name of that inmate?

8 A. Ronnie Lee Gardner.

9 Q. And do you know when Ronnie Lee Gardner was  
10 executed?

11 A. I don't know the exact date. It was June.  
12 June something of 2010, I think.

13 Q. What were your job responsibilities as warden  
14 of the Draper Facility?

15 A. I oversaw the operations of the entire  
16 facility. I don't know what else to say on that. I  
17 just -- it all falls back to the warden.

18 Q. And was the execution of Ronnie Lee Gardner  
19 performed by firing squad?

20 A. It was.

21 Q. In your role overseeing the new prison,  
22 what's the name of that new prison?

23 A. Utah State Correctional Facility.

24 Q. And what sources did the UDC consult for  
25 building the Utah State Correctional Facility?

1 A. Well, we have contractors. We have  
2 consultants. We have architects. And a lot of our  
3 own staff.

4 Q. And will there be an execution chamber at the  
5 Utah State Correctional Facility?

6 A. There will be.

7 Q. Will that execution chamber be outfitted for  
8 firing squad executions?

9 A. It will be.

10 Q. Will that execution chamber be outfitted for  
11 any other type of execution?

12 A. It will be.

13 Q. What other types of executions will that new  
14 execution chamber be outfitted for?

15 A. Lethal injection.

16 Q. Any other types of executions?

17 A. No.

18 Q. And what about the Draper Facility? Besides  
19 firing squad, is the Draper Facility outfitted for  
20 any other form of execution?

21 A. For lethal injection.

22 Q. And besides lethal injection, any other form  
23 of execution?

24 A. No.

25 Q. What sources did UDC consult to design the

1 execution chamber at the Draper Facility?

2 A. That I don't know.

3 Q. How long has the execution chamber at the  
4 Draper Facility been in existence?

5 A. The current one?

6 Q. Yes.

7 A. I believe since 1998.

8 Q. And what sources did UDC consult to design  
9 the new execution chamber?

10 A. We -- along with our architect, we felt it  
11 best to mimic what we have at Draper. And so those  
12 two -- the one at Draper and the one at USCF are --  
13 there's one different feature, one door, but other  
14 than that it's exactly the same.

15 Q. What is the different door?

16 A. It's on the opposite side of where it is in  
17 Draper for the -- for the government witnesses, it's  
18 on the opposite side of the room is all. That's  
19 all.

20 Q. And why UDC choose to put the door on the  
21 other side?

22 A. We didn't. The architects did.

23 Q. Do you know why the architect chose to put  
24 the door on the other side?

25 A. No, I do not.

1 Q. Besides an architect when designing the  
2 execution chamber at USCF, did UDC consult with any  
3 other sources for the design of the execution  
4 chamber?

5 A. No.

6 Q. When UDC conducts a execution by firing  
7 squad, does UDC rely on employees to participate in  
8 that execution?

9 A. We do.

10 Q. Are those employees volunteers?

11 A. Most certainly.

12 Q. Are there employees who aren't volunteers for  
13 a firing squad execution?

14 A. No.

15 Q. How are volunteers selected?

16 A. We ask for a -- any staff member that would  
17 be interested in taking part or having some form of  
18 responsibility in an upcoming execution, please let  
19 us know, and they let us know.

20 Q. And after staff have let you know that they  
21 are interested, are those staff vetted?

22 A. Yeah. Yeah. Not everybody has the  
23 opportunity to participate. And so we just go  
24 through the names, and we would identify those who  
25 we feel would be best for the position.

1 Q. And what would qualify someone to be equipped  
2 for the position?

3 A. If they're a staff member they're qualified.

4 Q. Are any staff members ever rejected after  
5 they had expressed interest in participating?

6 A. Meaning they weren't chosen, the answer would  
7 be yes.

8 Q. And what are some of the reasons staff  
9 members aren't chosen?

10 A. Oh, I -- we just didn't feel like they would  
11 be a good fit.

12 Q. Is that conclusion ever a result of a lack of  
13 experience?

14 A. No. Huh-uh.

15 Q. Is it more temperamental?

16 A. I think it's just personalities, you know.

17 Maybe experience might -- go back to the last  
18 question -- it might play but I don't think it does  
19 play a piece in that. We wouldn't say that person  
20 is brand-new so we're not going to use him or her.  
I don't believe that occurred.

22 Q. When UDC is conducting an execution by firing  
23 squad, is there what is called an execution team?

24 A. Yes.

25 Q. And are there sub-teams within that execution

1 team?

2 A. You need to be more specific. I'm not sure.  
3 The execution team would -- are you saying that's  
4 the firing squad?

5 Q. I'm asking if the firing squad would be a  
6 part of that or maybe all of that?

7 A. The firing squad are not members of UDC.  
8 They can be. When I participated in they were not.  
9 There's other teams. There's tie-down teams.  
10 There's observation teams. There is perimeter  
11 security teams that make it all happen.

12 Q. And just to make sure I heard you correctly,  
13 the firing squad team members aren't necessarily  
14 members of UDC?

15 A. That is correct.

16 Q. But they could be members of UDC?

17 A. Yeah. I don't think that's ever happened,  
18 but they could be.

19 Q. You mentioned the tie-down team. What's the  
20 tie-down team?

21 A. They're the ones that escort the inmate, the  
22 condemned, from a cell to the chair, and then they  
23 would tie down, strap the inmate in for a better  
24 term.

25 Q. How many people are on the tie-down team?

1 A. I think five.

2 Q. And are there any backup members of the  
3 tie-down team?

4 A. Yeah. There would be in case something  
5 happened.

6 Q. How many?

7 A. I think there was two. I think two.

8 Q. So seven members total?

9 A. I think so.

10 Q. And how is the condemned tied down to the  
11 execution chair for a firing squad execution?

12 MR. BOKOVOY: Dan Bokovoy. I'm going to  
13 object to getting into this information. This is  
14 protected information. It's a security concern for  
15 us. And we don't want to get into specifics in how  
16 the inmate is tied down. So with this question, I  
17 would instruct my client not to answer the question.

18 MR. MITCHELL: Understood. Thank you,  
19 Mr. Bokovoy.

20 BY MR. MITCHELL:

21 Q. You mentioned an observation team; is that  
22 right, Mr. Turley?

23 A. That's correct.

24 Q. What's the observation team?

25 A. We have an officer assigned to observe the

1 condemned at all times while he's in the execution  
2 cell.

3 Q. And prior to a firing squad execution, how  
4 long is the condemned in a cell?

5 MR. BOKOVOY: Could you repeat that  
6 question?

7 MR. MITCHELL: Sure. Sure. That may  
8 have been a bad question.

9 BY MR. MITCHELL:

10 Q. Prior to being executed by firing squad, how  
11 long is the condemned in the execution chamber cell?

12 A. We --

13 MR. BOKOVOY: I object to that question.  
14 This is protected information. It's a security  
15 concern for us. And I would instruct my client not  
16 to answer that question.

17 MR. MITCHELL: Absolutely.

18 BY MR. MITCHELL:

19 Q. How many members are on the observation team?

20 A. They rotate every 15 minutes, and so I'm  
21 thinking there's four.

22 Q. And are there any backup members to the  
23 observation team?

24 A. Not that I recall.

25 Q. Is there also a clean-up team?

1 A. There is.

2 Q. What's the clean-up team?

3 A. Post execution they go in and clean up the

4 execution chamber.

5 Q. And what does cleaning up the execution

6 chamber consist of?

7 A. If there was any bodily fluids, they clean it

8 up with a -- with a Clorox Bleach, a mixture of

9 water. They just make sure that it's clean as it

10 was before the execution.

11 Q. And bodily fluids, would that include blood?

12 A. That would be yes.

13 Q. After Mr. Gardner's execution, was there

14 blood in the execution chamber?

15 A. There was.

16 Q. Where was that blood located?

17 A. On the floor to his left and also on the wall

18 to his left.

19 Q. And did the clean-up team then go in and

20 clean that blood up?

21 A. That is correct.

22 Q. Was there any blood on the chair after

23 Mr. Gardner's execution?

24 A. I don't specifically remember that, actually.

25 Q. And how many members are on the clean-up

1 team?

2 A. I don't know.

3 Q. At least three?

4 A. Yes. Yeah.

5 Q. Are there also witness escorts at an  
6 execution by firing squad at UDC?

7 A. Do you mean staff member that escorts  
8 witnesses?

9 Q. Yes.

10 A. Yes, that would be correct.

11 Q. And how many staff members perform that role?

12 A. Eight.

13 Q. And are there any backup staff members to  
14 that role of witness escort?

15 A. I don't recall that. Yeah, I don't  
16 specifically recall if there was backups.

17 Q. And just yes or no. Is there also a  
18 perimeter of security team?

19 A. Yes.

20 Q. And how many members are part of that  
21 perimeter of security team?

22 MR. BOKOVOY: I would object to this  
23 question. That would be protected information as a  
24 security concern. And I would instruct my client  
25 not to answer that question.

1 BY MR. MITCHELL:

2 Q. And Mr. Turley, you mentioned that the  
3 members of the firing squad aren't necessarily  
4 members of the execution team. Did I understand  
5 that right?

6 A. That is correct.

7 Q. Is there another term for the members of the  
8 firing squad or are they just referred to as members  
9 of the firing squad?

10 A. I think we refer to them as executioners.

11 Q. And for an execution by firing squad, how  
12 many executioners are there?

13 A. Five.

14 Q. And are there any backup members for that?

15 A. Two.

16 Q. And then is there also a team leader?

17 A. There would be.

18 Q. And so would that be eight members of the  
19 executioners' team?

20 A. No. Seven. Five and two.

21 Q. And then the team leader is one of those  
22 five?

23 A. That is correct.

24 Q. Do you also refer to the executioners as  
25 riflemen?

1 A. I never have.

2 Q. How many executioners pull a trigger at a UDC

3 execution by firing squad?

4 A. Five.

5 Q. Do each of those five executioners have live

6 rounds in their firearm?

7 A. No.

8 Q. How many executioners have live rounds in

9 their firearm?

10 A. Four.

11 Q. And what does the other executioner have in

12 their firearm, if anything?

13 A. A blank round.

14 Q. And what firearm do the executioners shoot?

15 A. A 30-caliber.

16 Q. A 30-caliber rifle?

17 A. Uh-huh.

18 Q. To be an executioner for a UDC firing squad

19 execution, are there any required credentials?

20 A. Yes. You have to be P.O.S.T. certified.

21 P.O.S.T. means Police Officers Standard and

22 Training. And they have to be P.O.S.T. certified.

23 Q. And besides being P.O.S.T. certified, are

24 there any other credentials that an executioner for

25 a UDC firing squad execution must have?

1 A. No. I mean, if you're getting to how they're  
2 chosen?

3 Q. Yes.

4 A. It's usually from the county --

5 MR. BOKOVOY: I'm going to object to  
6 Mr. Turley's response at this point. That is  
7 protected information. I instruct my client not to  
8 discuss where we choose executioners.

9 MR. MITCHELL: And I am happy to move to  
10 strike that response.

11 MR. BOKOVOY: Thank you.

12 BY MR. MITCHELL:

13 Q. Is there other experience that UDC looks for  
14 when selecting executioners for a firing squad  
15 execution?

16 A. For the UDC, the -- you guys call them  
17 commissioner. We have an executive director, the  
18 same position. He or she alone chooses those. I --  
19 I do not know -- I saw them. I don't know their  
20 names. I wasn't involved in what criteria was used.  
21 I'm sure policy was followed. But he alone at the  
22 time chose the firing squad.

23 Q. And does UDC practice an execution by firing  
24 squad prior to a firing squad execution?

25 A. To my understanding, yes.

1 Q. Are those practices also referred to as  
2 rehearsals?

3 A. Yes, they would be.

4 Q. When an execution is pending, how often are  
5 practices performed prior to a firing squad  
6 execution?

7 A. I do not know the exact answer to that. I  
8 can tell you I know that practices, rehearsals were  
9 performed. How many, I do not know. But I do know  
10 that it did occur.

11 Q. Do you know if it was more frequently than  
12 once a month?

13 A. I do not know that.

14 Q. Is there currently an execution by firing  
15 squad scheduled in Utah?

16 A. No.

17 Q. Are there still practices for execution by  
18 firing squad by UDC despite the fact there is not a  
19 pending execution by firing squad?

20 A. No.

21 Q. So there is no periodic practice until a  
22 firing squad execution is scheduled?

23 A. That is correct.

24 Q. Have any suggestions to the firing squad  
25 execution procedure been made in your presence?

1 A. Suggestion for what?

2 Q. Suggestions to modify the firing squad  
3 execution procedure?

4 A. No, it has not. Not in my presence, it has  
5 not.

6 Q. Have any concerns about the firing squad  
7 execution procedure been made in your presence?

8 A. No.

9 Q. On the date of an execution, what time --  
10 excuse me.

11 On the date of an execution by firing squad,  
12 what time does that execution take place?

13 MR. BOKOVOY: I would object to that  
14 question. That would be protected information. And  
15 I would instruct my client not to answer that  
16 question.

17 BY MR. MITCHELL:

18 Q. When there is a UDC execution by firing  
19 squad, is the condemned transported into the  
20 execution chamber?

21 A. Would you repeat that question again, please?

22 Q. When there is a UDC execution by firing  
23 squad, is the condemned at some point brought into  
24 the execution chamber?

25 A. Yes.

1 Q. And what happens when the condemned is  
2 brought into the execution chamber?

3 A. He's placed in the chair and strapped in.

4 Q. And after the condemned is strapped in, what  
5 happens next?

6 A. The warden would open curtains in the  
7 execution chamber, along with the division director.  
8 And then the warden would go ask the condemned if  
9 there was any last words.

10 Q. And when you were warden for the Gardner  
11 execution, did you open the curtains and announce  
12 the condemned for last words?

13 A. I did.

14 Q. Does the doctor ever enter the execution  
15 chamber after the condemned is seated in the chair?

16 A. Yes.

17 Q. And does the doctor do anything once the  
18 doctor enters the execution chamber?

19 A. Yeah. The doctor places a target on the  
20 condemned's body.

21 Q. Where does the doctor place the target?

22 A. Over the heart.

23 Q. And what are the dimensions of this target?

24 A. I don't know. It's a guess. I can guess,  
25 but I don't know.

1 Q. What would your guess be?

2 A. Eight by ten. A sheet of cotton paper, a

3 sheet of paper. Maybe ten by 12. I don't know

4 what a regular sheet of paper is.

5 Q. And it's placed over the condemned's heart?

6 A. It is.

7 Q. Why is the target placed over the condemned's

8 heart?

9 A. That would be a medical answer. I can assume

10 that, but I don't know.

11 Q. What are the executioners, the shooters,

12 trying to hit when they fire?

13 A. The center of the target.

14 Q. And would that be the heart?

15 A. It would be placed over the heart, correct.

16 Q. And is the target taped to the condemned?

17 A. It was pinned.

18 Q. In one spot or in multiple spots?

19 A. I think two. Top and bottom.

20 Q. Is there a risk that a shooter might miss the

21 target?

22 A. I guess but the risk is so minimal. You're

23 only talking 20 feet.

24 Q. So the shooters are 20 feet from the target?

25 A. Yeah, about. About, yeah.

1 Q. And does UDC take steps to address that risk?

2 A. Yes, we do.

3 Q. What steps does UDC take to address the steps  
4 that a shooter might miss the target?

5 A. Are you talking about a ricochet, or what are  
6 you talking -- what are you getting at? I can --

7 Q. Ricochet is one possibility. I don't know if  
8 there's any other risks that UDC addresses?

9 A. Okay. Thank you. I just didn't want to go  
10 down a path that you didn't want to go down. But  
11 there's -- behind the chair, there's some  
12 two-by-fours that are placed behind the chair to  
13 absorb a slug of a bullet that's probably three or  
14 four deep long-wise, long-ways up and down and then  
15 sideways, and then long-ways again.

16 Behind the two-by-fours there's a  
17 four-by-eight sheet of Kevlar, which is about  
18 two inches thick. And behind that there is the CMU  
19 wall that's totally grouted. On the side of the  
20 chair there are wings of sheet plate metal that come  
21 out. And along those wings there are sand bags that  
22 are placed from floor to top of the wing itself to  
23 absorb any -- the wings are also on an angle.

24 And if there was ever a chance of a ricochet,  
25 it's my belief that the safety precautions that are

1 in place would catch or stop that ricochet from --  
2 from going elsewhere.

3 Q. Are there any other safety precautions that  
4 UDC has in place to address the risk of a ricochet?

5 A. Yes. We have bulletproof glass. There's  
6 four witness rooms within the execution chamber  
7 itself. And each of them are equipped with  
8 bulletproof glass.

9 Q. And is there a certain grade that that  
10 bulletproof glass has?

11 A. The one at Draper for a 50-caliber bullet.  
12 So it would stop a 50-caliber or below bullet from  
13 penetrating, going through the glass.

14 Q. And does that grade come from the  
15 manufacturer of the glass?

16 A. It would.

17 Q. Is the same grade of bulletproof glass going  
18 to be used at the USCF Facility?

19 A. I can assume, but I don't know that for sure.  
20 I do know the architects know what kind of weapons  
21 are used and they planned accordingly.

22 Q. Do you know if a executioner has ever shot a  
23 condemned's bones at a UDC execution?

24 A. A condemned what?

25 Q. One of the bones of the condemned?

1 A. One of the bones?

2 Q. Yes.

3 A. I don't know that. No.

4 Q. Is that something UDC wants to avoid?

5 A. I don't know if I understand your question.

6 If a bullet enters a body it hits a bone. So I

7 don't know what -- what question -- I don't know --

8 I don't understand your question.

9 Q. Do you know if a bullet has ever entered one

10 of UDC's condemned and hit a rib?

11 A. I don't know that.

12 Q. Is hitting a rib something UDC would want to

13 take measures to avoid?

14 A. Never been discussed. Doesn't the rib cage

15 protect the heart? I don't know. You're getting

16 into medical terms that I don't know. It could have

17 hit a rib. I don't know.

18 Q. When the condemned is seated in the execution

19 chair, is anything placed on the condemned's head?

20 A. Yes. A hood is placed on his head.

21 Q. Is that before or after the condemned utters

22 last words?

23 A. After.

24 Q. And at this point is the condemned strapped

25 down to the chair?

1 A. He is.

2 Q. And is the condemned strapped down in the  
3 chair in multiple locations?

4 MR. BOKOVOY: I'll object to that  
5 question. That would be protected information. And  
6 I would instruct my client not to answer that  
7 question.

8 BY MR. MITCHELL:

9 Q. After the condemned gives last words, what  
10 happens next?

11 A. A hood is placed on his head.

12 Q. And then after the hood is placed on the  
13 condemned's head, what happens next?

14 A. The warden would go into the executioner's  
15 area and tell the executive director the execution  
16 may commence.

17 Q. And when you were warden for the Gardner  
18 execution, did you go into the executioner's area?

19 A. I did.

20 Q. And so how many individuals were present with  
21 you in the executioner's area?

22 A. Including me -- oh, boy. This -- I may be  
23 wrong. I'm thinking eight.

24 Q. Would that be the seven members of the  
25 execution team, the firing squad, plus yourself?

1 A. No. That would be five members of the  
2 execution squad, a executive director, the DPO  
3 division director, and the warden.

4 Q. And when the signal is given for the  
5 execution to commence, what happens?

6 A. The executive director performs a cadence.  
7 And at a predetermined time during that cadence the  
8 executioners will fire their weapons.

9 Q. All five of them?

10 A. Correct. All five -- all five weapons would  
11 have their trigger pulled.

12 Q. And after the trigger is pulled, is there a  
13 waiting period?

14 A. I believe three minutes. Around three  
15 minutes. I think that's up to three minutes, I  
16 should say.

17 Q. And at the conclusion of that waiting time  
18 which is up to three minutes, what happens?

19 A. The warden reenters the execution chamber and  
20 escorts the doctor to the condemned's body. And the  
21 doctor would deem him alive or deceased.

22 Q. And in the Ronnie Lee Gardner execution, do  
23 you recall how long you waited before entering the  
24 execution chamber after shots had been fired?

25 A. I do not remember that.

1 Q. How does the doctor check the condemned to  
2 see if the condemned is deceased?

3 A. If I remember correctly, he checked the  
4 condemned's pulse and declared him to be deceased.

5 Q. And that's Mr. Gardner you're speaking of?

6 A. Yes.

7 Q. Does UDC have a protocol in place in the  
8 event the condemned is not deceased?

9 A. Yes. We would wait ten minutes. And the  
10 doctor would then again -- I'm going by policy.  
11 This has never happened. The doctor would once  
12 again check to see if the condemned is deceased or  
13 alive. If he is alive, we would go back and we  
14 would perform a second volley.

15 Q. And if the condemned is deceased after the  
16 first volley, what happens?

17 A. He is declared deceased. The curtains are  
18 pulled. And then all kind of things go into effect.  
19 The witnesses are escorted out. The tie-down team  
20 enters the execution chamber, prepares the body for  
21 the medical examiner to retrieve the body. And then  
22 the clean-up team would enter the chamber to clean  
23 up the aftermath of the execution.

24 Q. Going back to the Draper execution chamber,  
25 do you know what the dimensions of that room are?

1 A. I'm thinking 20 by 24. I may be off a little  
2 bit. But it's about 20 by 24. That is the  
3 execution chamber itself.

4 Q. And that's feet, correct?

5 A. Yes.

6 Q. How tall are the walls in the execution  
7 chamber itself?

8 A. I'm going to say 10 feet. 12 feet.

9 Q. Do you know how thick those walls are in the  
10 execution chamber itself?

11 A. Just CMU walls. Cinderblock walls.

12 Q. Just one level of cinderblocks or multiple?

13 MR. BOKOVOY: I would object to that  
14 question. That would be protected information. And  
15 I would instruct my client not to answer the  
16 question.

17 BY MR. MITCHELL:

18 Q. I think you mentioned earlier, Mr. Turley,  
19 that there is Kevlar on at least one of the walls;  
20 is that correct?

21 A. That is correct.

22 Q. Is the Kevlar only on one wall?

23 A. That is correct.

24 Q. And which wall is the Kevlar on?

25 A. Directly behind the chair.

1 Q. And did you say the Kevlar is  
2 four-by-eight feet behind the chair?  
3 A. Yes. Correct.  
4 Q. Is it four feet high and eight feet wide?  
5 A. Correct.  
6 Q. And so behind the chair is the two-by-fours?  
7 A. Correct.  
8 Q. And there's how many rows of two-by-fours?  
9 A. Three or four. I'm thinking four.  
10 Q. And did you say they are crosshatched?  
11 A. Well, they were -- the edge side first.  
12 Then -- the four-inch side first, then the two-inch  
13 side, then the four-inch side again at the back.  
14 Q. And then after the two-by-fours, does the  
15 Kevlar come next?  
16 A. That is correct.  
17 Q. And after the Kevlar, is it the wall?  
18 A. Yeah, the cinderblock wall.  
19 Q. Is there Kevlar anywhere else in the  
20 execution chamber?  
21 A. No.  
22 Q. And the 30-caliber rifles are fired through a  
23 wall; is that correct?  
24 A. Not through a wall. There's a hole in the  
25 wall. Yes.

1 Q. Would you call those holes portals?

2 A. Portals would be a good term.

3 Q. How many portals are there?

4 A. Two.

5 Q. And so there's five guns; is that right?

6 A. Correct.

7 Q. How many firearms are allotted to each

8 portal?

9 A. Three and two.

10 Q. And those portals are how far from the

11 execution chair?

12 A. Twenty feet.

13 Q. And they're on the opposite wall; is that

14 right?

15 A. Correct.

16 Q. And did you say there are four windows in the

17 execution chamber?

18 A. Well, there's -- for the witnesses and then

19 if there's -- there's another window for lethal

20 injection where the doctor would sit, but I don't

21 know anything about the lethal injection execution.

22 So there's five windows.

23 Q. And those are all the bulletproof windows we

24 spoke about a moment ago?

25 A. That is correct.

1 Q. Do you know if those are multilayer  
2 polyurethane windows?

3 A. Polycarbonate, polyurethane, laminate,  
4 whichever -- whatever they use to make bulletproof  
5 glass. I'm sure it's pretty thick.

6 Q. Do you know how thick those windows are?

7 A. I'm thinking a quarter-inch. I may not be  
8 correct, but that's what I'm thinking.

9 Q. Are there sound speakers in the execution  
10 chamber?

11 A. Yeah, there is.

12 Q. How many speakers are in the execution  
13 chamber?

14 A. I do not know that. I don't know that.

15 Q. Can witnesses hear what happens in the  
16 execution chamber without a speaker?

17 A. I don't know. I have never tried it, but I  
18 would believe not.

19 Q. The portal we spoke about a moment ago, what  
20 are the dimensions of those portals?

21 A. They might be five feet by six inches.

22 Q. Would that be five feet long?

23 A. Yes.

24 Q. And six inches high?

25 A. Yes.

1 Q. And are those just empty spaces in the wall  
2 for rifles to come through?

3 A. Correct.

4 Q. What is the execution chair made of?

5 A. Tubular steel.

6 Q. And are you able to see a photo of the  
7 execution chair?

8 A. Yes.

9 Q. Is that a true and accurate photograph of the  
10 execution chair?

11 A. Yes.

12 Q. And on both sides of the execution chairs are  
13 those the sandbags?

14 A. Yes.

15 Q. And are those the two-by-fours behind the  
16 execution chair?

17 A. Yes.

18 Q. And the execution chair you said was made of  
19 tubular steel?

20 A. Correct.

21 Q. And then are those also straps that are on  
22 the execution chair?

23 A. Yes, nylon straps.

24 Q. And is there a riser that the execution chair  
25 is on?

1 A. Yes, it is.

2 Q. Is the execution chair bolted into that  
3 riser?

4 A. Yes.

5 Q. And what is that riser made out of?

6 A. Steel.

7 MR. MITCHELL: If we can make this  
8 Exhibit 2, please.

9 (WHEREUPON, a document was marked as  
10 Exhibit Number 2.)

11 BY MR. MITCHELL:

12 Q. Does the chair have a metal tray for the  
13 condemned's blood to flow into?

14 A. Not the chair but the platform that the chair  
15 sits on does.

16 Q. And did UDC design the chair?

17 A. I'm guessing that would be the case.

18 Q. Was the chair already there when you became  
19 warden?

20 A. It was.

21 Q. Will that same chair we just looked at be  
22 used at the USCF Facility?

23 A. That's the plan.

24 Q. And was the metal tray purposefully designed  
25 to hide the condemned's blood?

1 A. I believe so if it -- if it sloped. And if  
2 there's blood that enters that it would slope down  
3 into a container.

4 Q. And why was the chair designed by UDC to hide  
5 the condemned's blood?

6 A. To execute a court order in the most humane  
7 possible way. And so not --

8 Q. I'm sorry.

9 A. No. That's good. Go ahead.

10 Q. And does the blood drain out of the chair?

11 A. I'm not sure.

12 Q. Does the blood drain out of the tray into the  
13 riser?

14 A. It -- it drains off of the sloped tray into a  
15 container at the bottom of that platform.

16 Q. And is the draining of the blood designed to  
17 not be visible by the witnesses?

18 A. It's designed to show the least amount  
19 possible. I guess if you really looked hard, you  
20 might see it, but you would have to look pretty  
21 hard.

22 Q. Do you know if the chair also has black  
23 fabric to hide blood flow from the chair into the  
24 pan?

25 A. It does have black fabric. It has dark

1 fabric. Not the chair itself but the straps.

2 Q. And are you able to see this document that  
3 I'm showing you, Mr. Turley?

4 A. I am.

5 Q. Have you ever seen this document before?

6 A. I have. It's incorrect.

7 Q. Which portions of this document are  
8 incorrect? And we can go paragraph by paragraph if  
9 that's easiest.

10 A. It just -- it says it's a oak chair. It's  
11 not oak. It's steel. It says that the straps are  
12 leather. They're not leather. They're nylon. It  
13 says that there's sandbags behind the chair. We did  
14 not use sandbags behind the chair. And it also says  
15 that there's a sheet metal behind the chair and  
16 that's incorrect. That's Kevlar. Other than that,  
17 I feel that document would be correct.

18 Q. Including the sentence that the lower back  
19 portion of the chair has black fabric attached to  
20 hide blood flow from the chair into the pan?

21 A. Oh, no, that's not correct. I don't -- I  
22 don't believe I saw that type of fabric attached to  
23 the chair.

24 Q. Did you see that type of fabric anywhere near  
25 the chair?

1 A. No.

2 Q. And do you know who wrote this document,  
3 without giving me a name?

4 A. I have no idea. I don't even know where that  
5 came from. No idea.

6 Q. But you've seen it before; is that correct?

7 A. That's correct.

8 MR. MITCHELL: If we could have that  
9 marked as Exhibit 3, please.

10 (WHEREUPON, a document was marked as  
11 Exhibit Number 3.)

12 BY MR. MITCHELL:

13 Q. Is there a pan that's welded into the riser?

14 A. Below the riser to catch the bodily fluids.

15 Q. What are the dimensions of that pan?

16 A. Oh, I don't know.

17 Q. What is the pan made of?

18 A. Steel.

19 Q. And when you say to catch the bodily fluids,  
20 does that include blood?

21 A. That would.

22 Q. Do you know roughly how many sandbags are  
23 used for an execution by firing squad?

24 A. I don't. I could count them, if you want to  
25 put that picture back up. I don't know that.

1 Q. And why are sandbags used?

2 A. To -- to help alleviate the possibility of a  
3 ricochet.

4 Q. And looking at Exhibit 2 again, about how  
5 high are those sandbags?

6 A. I'm going to say, I don't know, five to  
7 six feet.

8 Q. And are there sandbags also in the execution  
9 chamber that aren't included in this photograph?

10 A. No, not that I remember. There may be one  
11 behind the bottom of the wing, but I don't remember  
12 exactly.

13 Q. How thick is the sheet of Kevlar?

14 A. How safe?

15 Q. Thick. I'm sorry.

16 A. Oh. I think it's two inches. It may be an  
17 inch-and-a-half, but I think it's two inches. An  
18 inch, two inches.

19 Q. And all of these different features of the  
20 execution chamber were in place for the Gardner  
21 execution; is that right?

22 A. That is correct.

23 Q. Do you know the dimensions of the room where  
24 the executioners are present?

25 A. No. It's probably six feet wide by 20,

1 30 feet long.

2 Q. Is there a risk that a bullet could ricochet  
3 through a portal and hit an executioner?

4 A. I guess that could happen. It would be  
5 extremely unlikely.

6 Q. And what steps has UDC taken so that that is  
7 extremely unlikely?

8 A. All the things we discussed.

9 Q. Any other steps?

10 A. No. Other than the executioners wear goggles  
11 and headgear.

12 Q. And, similarly, could a bullet ricochet and  
13 hit an observation window?

14 A. About the same a chance as that. But there  
15 is bulletproof glass there. Once again, there's an  
16 extra layer of protection.

17 Q. And did UDC take any other measures than what  
18 we've discussed to prevent that from happening, the  
19 ricochet hitting an observation window?

20 A. No. Just all that we discussed.

21 Q. And is there a possibility a bullet could  
22 ricochet off of the steel chair?

23 A. I guess there's a possibility.

24 Q. To your knowledge has that ever happened?

25 A. No.

1 Q. When Ronnie Lee Gardner was executed, was  
2 there blood on Mr. Gardner's jumpsuit?

3 A. There was.

4 Q. Where was that blood?

5 A. On his chest area, that I remember.

6 Q. Do you remember blood anywhere else on  
7 Mr. Gardner's jumpsuit?

8 A. No. I didn't look at him that closely.

9 Q. About how much blood was on Mr. Gardner's  
10 jumpsuit?

11 A. I just saw a wet spot on his jumpsuit. I  
12 don't recall how big.

13 Q. Did that wet spot come through the paper  
14 target?

15 A. No, not that I remember.

16 Q. And what color was Mr. Gardner's jumpsuit?

17 A. Dark blue.

18 Q. And as warden, were you authorized to select  
19 the color of Mr. Gardner's jumpsuit?

20 A. I was.

21 Q. And did you, in fact, select dark blue as the  
22 color for that jumpsuit?

23 A. I did.

24 Q. When UDC performs an execution by firing  
25 squad, is there a possibility that a weapon could

1 malfunction?

2 A. Sure.

3 Q. And has UDC taken steps to address that  
4 possibility of malfunction?

5 A. As stated previously, I know rehearsals were  
6 performed. If you're asking me -- well, I -- I  
7 don't really know that answer. But I know they've  
8 ensured by our armorer and others that those weapons  
9 were in good working on.

10 Q. Is the armorer a full time position?

11 A. For the department, correct.

12 Q. And is there more than one individual who  
13 serves as armorer?

14 A. No.

15 Q. When you were warden of the Draper Facility,  
16 did you consider doing the Gardner execution outside  
17 instead of inside?

18 A. No.

19 Q. Why did you not consider that?

20 A. There's already a room that was built to --  
21 for executions specifically.

22 Q. Any other reasons you did not consider doing  
23 the Gardner execution outside?

24 A. No. That wasn't even discussed when I was  
25 the warden.

1 Q. Is there a risk that one or more of the  
2 shooters does not hit the target?

3 A. I guess there's a risk. But I can't imagine  
4 it.

5 Q. And what steps are taken to address that risk  
6 by UDC?

7 A. Those rehearsals we discussed earlier.

8 Q. Are any other measures taken to address that  
9 risk?

10 A. Not that I'm aware of.

11 Q. Are you able to see my screen, Mr. Turley?

12 A. I am.

13 Q. Have you seen this document before?

14 A. I have.

15 Q. What is this document?

16 A. This is the warden prior to myself going over  
17 what possibly an execution could cost back in 2003.

18 Q. June of 2003? Is that when it's documented?

19 A. No. September.

20 Q. Yes. Oh, I see that. Was this an execution  
21 by firing squad or lethal injection or both?

22 A. I think it was exec- -- I think it was firing  
23 squad.

24 Q. Okay. And, in fact, do you see, kind of in  
25 the middle of the page, where it says possible

1 firing squad execution?

2 A. Yes.

3 Q. And do you see where there's an executioner's  
4 fee that's confidential?

5 A. Yes, I do.

6 Q. And where the estimate is that supplies would  
7 cost \$3,000?

8 A. Uh-huh.

9 Q. And how many man hours were estimated to be  
10 necessary for this firing squad execution in 2003?

11 A. It looks like 1,180.

12 Q. 1,180?

13 A. Uh-huh.

14 Q. And do you see the statement that this is a  
15 significant decrease from executions carried out a  
16 decade or more ago?

17 A. I do.

18 Q. Do you have any idea how many man hours were  
19 required for executions by firing squad carried out  
20 in the '90s or '80s by UDC?

21 A. I have no idea.

22 Q. And do you see where the estimate of \$21,200  
23 can be made for the man hour costs?

24 A. Uh-huh. Yes.

25 Q. And then there's a ballpark of 24,000 to

1 26,000?

2 A. Uh-huh.

3 Q. And do you see where the average estimated  
4 cost is between 27 and a half thousand and 29 and a  
5 half thousand, plus the executioner's cost?

6 A. Yep.

7 Q. Do you know how many man hours it took to  
8 conduct Mr. Gardner's execution when you were  
9 warden?

10 A. I don't recall. I'm sure I saw that figure,  
11 but I don't recall.

12 Q. Do you estimate that it was more or less than  
13 the 1,180 mentioned here?

14 A. I would suspect it's -- would be in the same  
15 ballpark.

16 Q. And do you know whether executions by firing  
17 squad in Utah still require the same amount of man  
18 hours?

19 A. They would.

20 Q. Are some of those employees paid  
21 time-and-a-half?

22 A. Most would be, if not all.

23 MR. MITCHELL: And if we can have that  
24 marked as -- I think we're on Number 4.

25 (WHEREUPON, a document was marked as

1 Exhibit Number 4.)

2 BY MR. MITCHELL:

3 Q. How much would it cost UDC to perform an  
4 execution by firing squad today?

5 A. Well, the hourly rate would be more so that  
6 final tally of the cost would be -- would be more.  
7 But that would be, you know, whatever other  
8 equipment needs to be purchased I'm sure the cost  
9 would be higher. But the same teams and other  
10 things like that I'm guessing would be the same.

11 MR. MITCHELL: Can we go off record real  
12 quick.

13 (Short break.)

14 BY MR. MITCHELL:

15 Q. Mr. Turley, we just took a break. Did you  
16 speak with anyone during that break?

17 A. No.

18 Q. Did you read anything during that break?

19 A. No.

20 Q. And Mr. Turley, are you able to see my  
21 screen?

22 A. Yes.

23 Q. Do you know what this document is?

24 A. That's the execution redacted policy for the  
25 UDC.

1 Q. And do you see the date at the bottom of when  
2 it was revised?

3 A. I do.

4 Q. And do you see where it says June 10th, 2021?

5 A. Uh-huh.

6 Q. Is this the current execution policy for UDC?

7 A. It is.

8 Q. And it is the execution policy for executions  
9 both by firing squad and lethal injection; is that  
10 right?

11 A. Correct.

12 Q. Okay. And do you know if this manual was in  
13 effect when Mr. Gardner was executed in 2010?

14 A. It was.

15 Q. Why was the manual revised in June of 2010?

16 A. I assume for the upcoming execution.

17 Q. And do you know what revisions were made for  
18 the upcoming execution?

19 A. I do not.

20 Q. Do you know what sources UDC consulted to  
21 revise this manual in June of 2010?

22 A. I do not.

23 Q. And do you know what sources UDC consulted to  
24 create this manual?

25 A. I do not.

1 Q. And do you know when the first version of  
2 this manual was created?

3 A. I do not.

4 MR. MITCHELL: If we can have this  
5 marked as Exhibit 5.

6 (WHEREUPON, a document was marked as  
7 Exhibit Number 5.)

8 BY MR. MITCHELL:

9 Q. Do you see here that I'm on page 16?

10 A. Yes.

11 Q. And do you see on H1a where it says: The  
12 executive director/designee, DIO director, or warden  
13 shall be responsible for identifying, selecting, and  
14 obtaining the services of the executioners?

15 A. I do.

16 Q. How does UDC select executioners?

17 A. I do not know that. The executive director  
18 did it all.

19 Q. And do you know if it is the executive  
20 director who determines whether someone is an  
21 executioner or a back-up executioner?

22 A. In this case it was him totally.

23 Q. I'm sorry, can you say that one more time?

24 A. In the Rodney Lee Gardner execution it was  
25 the executive director. He did it all by himself.

1 Q. And do you see in the H1c where it says: The  
2 warden shall be responsible for designating those  
3 persons necessary to carry out and support the  
4 execution?

5 A. I do.

6 Q. As warden, did you decide who to designate to  
7 carry out the Gardner execution?

8 A. Not the executioners, but the support teams I  
9 was.

10 Q. And what are considerations that you've had  
11 when you were choosing who to designate to carry out  
12 the execution of Ronnie Gardner?

13 A. I just went through names. If I felt good  
14 about it I chose them. If I didn't I didn't.

15 Q. Did you choose only people you knew  
16 personally?

17 A. No.

18 Q. You chose people you did not know personally?

19 A. Sure, yeah. (inaudible)

20 THE REPORTER: Please say that again.

21 THE WITNESS: No, nothing.

22 BY MR. MITCHELL:

23 Q. Did you also choose people that you knew  
24 personally, though?

25 A. Oh, sure. Yeah. Well, I actually know all

1 the staff, but it depends on what level of personal.

2 Q. And turning to page 34 B1b. Is this where  
3 you are given authority to choose the color of the  
4 jumpsuit?

5 A. Yes.

6 Q. And why did you select the dark blue?

7 A. To hide if there's any chance of blood coming  
8 through. To hide that as much as possible. To make  
9 him more humane.

10 Q. How does hiding the blood make the execution  
11 more humane?

12 A. Well, if you have a white jumpsuit, it would  
13 be more pronounced. In a dark jumpsuit you would  
14 just see a wet area.

15 Q. Had you witnessed any executions by firing  
16 squad prior to the Gardner execution?

17 A. No. I mean, not by -- no. No, I hadn't. I  
18 had not.

19 Q. And do you see here on page 40B2 where it  
20 says: It is the policy of the department that the  
21 condemned inmate shall be examined by a licensed  
22 physician following the administrate of the fatal  
23 drugs or the first volley by the firing squad to  
24 ensure that death has occurred?

25 A. I can see that.

1 Q. And is that position at least either an  
2 employee or agent of UDC?

3 A. Not necessarily.

4 Q. And are there any qualifications the  
5 physician has to have to make the determination  
6 whether the inmate is deceased?

7 A. I don't know that for sure.

8 Q. Do you have a guess?

9 A. What's that? A guess? A licensed physician,  
10 an MD. But maybe it could be a PA. I don't know  
11 that.

12 Q. And after the first volley, does UDC wait a  
13 certain amount of time before the condemned is  
14 examined?

15 A. Up to three minutes.

16 Q. And is that here on page 41 under A1?

17 A. I don't know. What do you know? I was  
18 right. Yeah. Yeah.

19 Q. And if there are signs of life, what does the  
20 physician do?

21 A. If there was -- repeat your question, please,  
22 sir.

23 Q. If the physician takes the condemned's vital  
24 signs and there are signs of life, what does the  
25 physician do?

1 A. I think he waits and he checks him  
2 periodically up to ten minutes. And then if he's  
3 still breathing or alive after ten minutes, the  
4 second volley is performed. We didn't have to do  
5 that. But I'm reading there 60 seconds, every 60  
6 seconds, which I would assume would be the case, but  
7 we didn't have to do that.

8 Q. You didn't have to do that for the Gardner  
9 execution?

10 A. No. No.

11 Q. And do you see here in C where it says:  
12 After a maximum of ten volleys from the first  
13 volley, if there are still signs of life, then the  
14 physician will inform the warden?

15 A. Yeah.

16 Q. Do you know if UDC has ever fired a second  
17 volley in a firing squad execution?

18 A. I do not know that information.

19 Q. Do you recognize this document, Mr. Turley?

20 A. I do.

21 Q. And is that page 46? Are you able to see if  
22 that's at page 46?

23 A. Yeah.

24 Q. And what's this document?

25 A. It's a time line of when things occur.

1 Q. Okay. And so can you walk me through this?  
2 For instance, where it says five, is that at minute  
3 five?

4 A. I don't know that for sure. I am assuming it  
5 is. Five minutes into the execution procedures, go  
6 out and open the curtains. After that, the  
7 condemned is offered if he would like to make his  
8 statement, a last words. Then that's when -- after  
9 that we go in -- a hood is put on the condemned's  
10 head and we go back and commence the execution.

11 Q. And when the execution is commenced, is that  
12 then signified here by the minute eight?

13 A. Yes.

14 Q. And then minute 11 would be when the doctor  
15 is brought into the execution chamber?

16 A. Yeah.

17 Q. And then minute 14 would be when the doctor  
18 pronounces death?

19 A. Correct.

20 Q. How long does this process take at a firing  
21 squad execution?

22 A. How long?

23 Q. Yes.

24 A. Looks to me like ten minutes.

25 Q. And that's if the first volley kills within

1 the first three minutes; is that right?

2 A. Correct.

3 Q. And also assuming that there are no signs of  
4 life when the physician does the physician's  
5 examination?

6 A. Correct.

7 Q. Does each -- and then I'm on page 54. Does  
8 each of the firing squad executioners have to  
9 demonstrate proficiency with the firearms used in  
10 any UDC firing squad execution?

11 A. They did in this case.

12 Q. And how did they demonstrate proficiency?

13 A. That I don't know. I know they were taken  
14 out and they demonstrated proficiency and that's all  
15 I know.

16 Q. Do you see here on page 54, where it says:  
17 Under conditions substantially similar to those of  
18 the execution chamber, proficiency shall be  
19 exhibited by?

20 A. Uh-huh.

21 Q. And is that how UDC determines proficiency?

22 A. That is correct.

23 Q. Firing each weapon at least 21 feet away and  
24 hitting the target?

25 A. Yeah. That's what I'm reading. I wasn't

1 there and have never seen that, but what's what I'm  
2 reading.

3 Q. And do you see in 4b where it says: During  
4 the proficiency test failure to accurately hit the  
5 specified target with one round from each weapon  
6 fired shall disqualify the officer?

7 A. Uh-huh.

8 Q. So does a single miss disqualify someone?

9 A. I do not know that. I have no -- nothing to  
10 do with this piece.

11 Q. So you don't know if anyone missed the target  
12 when attempting to demonstrate proficiency for the  
13 Gardner execution?

14 A. I do not.

15 Q. And do you see here on page 55, where it  
16 says: The executive director and/or warden will  
17 contact those that are chosen for the firing squad?

18 A. I do.

19 Q. And do you see under D1a where there's the  
20 possibility for someone to rescind an offer to  
21 participate?

22 A. Uh-huh.

23 Q. Do you know if anyone has ever rescinded an  
24 offer to participate in a firing squad execution?

25 A. I do not know. I have nothing to do with

1 this piece at all.

2 Q. So it is the executive director who does  
3 that; not you as warden?

4 A. That is correct.

5 Q. Okay. And we talked earlier. You said UDC  
6 uses live rounds of ammunition during an execution  
7 by firing squad; is that right?

8 A. That is correct.

9 Q. Okay. And was it four live rounds?

10 A. Four live rounds.

11 Q. And one blank round?

12 A. Correct.

13 Q. Does the shooter with blank rounds know that  
14 he or she has the blank rounds?

15 A. I don't know that.

16 Q. You don't know whether the shooter knows that  
17 shooter has a blank round?

18 A. No. Well, no. They are -- the -- the answer  
19 to your question is, those rounds are loaded by I  
20 don't know who but they are not -- they can go to  
21 any weapon that are date -- they are assigned a  
22 weapon when they walk in the room. They do not know  
23 if that weapon has a blank or a live round in it.

24 Q. So does someone that's not a shooter load the  
25 weapons?

1 A. No. Oh, yes. That is correct.

2 Q. Is the person who loads the weapons a member  
3 of the executioner's team?

4 A. No.

5 Q. What is the role of the person who loads the  
6 firearms?

7 A. I don't know. I didn't do that.

8 Q. And you weren't present when it happened?

9 A. No.

10 Q. Do you see at the bottom of page 88 where it  
11 says: Care shall be taken to preclude any knowledge  
12 by the members of the firing squad of who is issued  
13 the weapon with two blank cartridges?

14 A. Uh-huh.

15 Q. And is there any other -- are there any other  
16 steps taken to prevent the shooter from knowing the  
17 shooter has the blanks that you're aware of?

18 A. Not that I'm aware of.

19 Q. Do you know what a dry fire is?

20 A. Yes.

21 Q. What is a dry fire?

22 A. When your weapon is not loaded and you pull  
23 the trigger.

24 Q. And does UDC conduct dry fires prior to an  
25 execution by firing squad?

1 A. If I remember right policy states so but I'm  
2 not -- I don't know if they did or not.

3 Q. And what steps does UDC take to determine  
4 whether equipment is in good working condition?

5 A. I don't know. I have nothing to do with  
6 that.

7 Q. In the event firearms aren't in good working  
8 condition, are there back-up firearms?

9 A. I believe so. I'm not sure, though.

10 Q. And are the executioners instructed to aim at  
11 the paper target when executing an inmate by firing  
12 squad?

13 A. I do not know that.

14 Q. When the target is placed on the inmate,  
15 where does UDC want the executioners to strike the  
16 inmate with bullets?

17 A. A huge assumption on my part. I would have  
18 guessed the target. Because why place the target on  
19 there?

20 Q. And what organs are behind the target?

21 A. The heart. That's all I know.

22 Q. If a second volley is commenced, what happens  
23 after the second volley?

24 A. I don't know. I've never had to do it. I  
25 could read it, but I've never had to do one.

1 Q. Can you see here on page 90?

2 A. Uh-huh.

3 Q. Where it says: If on a final check, the

4 vital signs are detected, the warden shall order the

5 physician to exit the chamber?

6 A. Uh-huh.

7 Q. And then do you see further down in D, where

8 the executive director or the director's designee

9 would have ordered the firing squad team leader to

10 make weapons ready for fire?

11 A. Yeah. The same thing would happen as the

12 first volley.

13 Q. How many volleys is UDC prepared to fire if

14 an inmate continues to demonstrate vital signs, or

15 demonstrate life?

16 A. Each weapon is loaded with two live rounds.

17 Q. And so if an inmate was still alive after the

18 second volley, what would happen?

19 A. They would reload their weapons.

20 Q. And fire a third time?

21 A. Yes. If that's needed.

22 Q. And a fourth if needed?

23 A. Sure.

24 Q. Do you see here page 239, training and

25 briefing?

1 A. 239? Oh, gosh. Go ahead.

2 Q. Are you able to see that?

3 A. Yeah, I can see it. I thought it was a  
4 hundred and something.

5 Q. Now, is it UDC policy that execution staff  
6 receive the necessary training to carry out their  
7 duties?

8 A. That is correct.

9 Q. And here in number four, does UDC consider --  
10 let me do it this way.

11 Does UDC consider the functions necessary to  
12 execute someone by firing squad to involve difficult  
13 timing?

14 A. Well, we train, train, train in all aspects  
15 of every area of the execution. I know that much.

16 Q. Do you see here where it says: An execution  
17 by firing squad involves a function which involves  
18 difficult timing?

19 A. I do.

20 Q. Why does UDC consider the timing difficult?

21 A. I don't know.

22 Q. Is there anything difficult about the timing?

23 A. Timing for what?

24 Q. Firing the firearms, for instance?

25 A. So are we talking the execution?

1 Q. Yes.

2 A. The executioners?

3 Q. Yes. Under B policy, it says: It is the  
4 policy of the department and staff and others  
5 involved in carrying out an execution and then it  
6 has several subpoints, including rehearsal  
7 practice --

8 A. Yeah. I didn't -- I can assume. Do you want  
9 me to assume?

10 Q. Sure.

11 MS. NELSON-MAJOR: Objection. I would  
12 ask the witness not to assume.

13 BY MR. MITCHELL:

14 Q. You can speculate.

15 A. There's a cadence. Whether you go a hundred  
16 and 99, 98, 97 or 1, 2, 3, 4 at a certain time in  
17 that cadence, from what I gathered, the executioners  
18 fired their weapons.

19 The difficult timing would come in if -- if  
20 they had a -- let's say they started at 80 and they  
21 were supposed to shoot at 84 and someone shot at 81  
22 and someone shot at 82 and someone shot at 83 and  
23 someone shot at 84 and someone shot at 85. The  
24 difficult timing would be all shooting at the same  
25 time.

1 Q. And do you know if that's ever happened,  
2 where people shot at different cadences?

3 A. I don't know that's ever happened.

4 Q. And do you see the next line down, where it  
5 says: UDC considers the functions necessary to  
6 execute someone by firing squad to involve a high  
7 degree of skill?

8 A. I do.

9 Q. Do you know why UDC considers the functions  
10 necessary to execute someone by firing squad to  
11 involve a high degree of skill?

12 A. Well, you would have to be a peace officer in  
13 the State of Utah to do that. And in order to be a  
14 peace officer, you have to prove that you're  
15 effective and efficient on shooting of a firearm.

16 Q. Anything else that would require a high  
17 degree of skill in a firing squad execution by UDC?

18 A. No.

19 Q. And do you see the line after that where it  
20 says that: UDC considers the functions necessary to  
21 execute someone by firing squad to involve  
22 procedures of a highly critical nature?

23 A. Uh-huh.

24 Q. What procedures of a highly critical nature  
25 are involved in executing someone by firing squad?

1 A. Well, you must be proficient on your weapons.  
2 You must have good hearing, good eyesight, in order  
3 to carry out the court order which has been given to  
4 the Department of Corrections.

5 Q. What other procedures of a highly critical  
6 nature are carried out in an execution by firing  
7 squad?

8 A. I think the entire process is highly  
9 critical. I think every piece of -- from the  
10 observation team, to the clean-up team, to the  
11 tie-down team, every piece is critical. It's we  
12 practice, we train for days before, hours upon  
13 hours. And we practice that because I think the  
14 whole operation is a critical operation. It's very  
15 consuming, very time intensive.

16 Q. And how many days before an execution, a  
17 firing squad execution, does UDC staff practice?

18 A. We get a order from the court 30 days prior  
19 to.

20 Q. And then in those 30 days until the  
21 execution, how many days are there rehearsals?

22 A. Almost daily.

23 Q. And how many hours do those rehearsals last?

24 A. Oh, it varies. It varied. I couldn't say  
25 how many or -- how often is usually daily. But some

1 could be a half hour. Some could be three hours,  
2 depending on what team did what.

3 Q. And is it the same team members at each of  
4 those rehearsals?

5 A. Yes.

6 Q. Do you see the next line where it says: UDC  
7 considers the functions necessary to execute someone  
8 by firing squad to involve moderately difficult or  
9 complex interaction with others?

10 A. Yeah.

11 Q. Why does executing someone by firing squad  
12 involve moderately difficult or complex execution  
13 with others?

14 A. I don't know if that's the media they are  
15 referring to or who. I don't know. I don't know.

16 Q. And do you see on the next page, where it  
17 says that: UDC considers the functions necessary to  
18 execute someone by firing squad to require  
19 instructions or receive instructions on crisis  
20 management assistance?

21 A. Uh-huh.

22 Q. Why would individuals executing someone by  
23 firing squad need instructions on crisis management  
24 assistance?

25 A. Well, we -- any member of the Department of

1 Utah State Corrections can go to a counselor. The  
2 name escapes me of those that are used, but if they  
3 feel like they need therapy and it's -- that  
4 assistance is offered to them.

5 Q. And so is it therapy and counseling that is  
6 meant by crisis management assistance?

7 A. That's what I'm reading into it.

8 Q. And do you see here on page 240 where it says  
9 that: Each member or participant of the execution  
10 team will receive a post order?

11 A. Uh-huh.

12 Q. And do you see where it says post order shall  
13 include any emergency role under 2f?

14 A. Uh-huh.

15 Q. What is an emergency role?

16 MR. BOKOVOY: I would object that this  
17 is protected information. And I would instruct my  
18 client not to answer the question.

19 BY MR. MITCHELL:

20 Q. Do you recognize the document I'm showing  
21 you, Mr. Turley?

22 A. I do.

23 Q. Is this a photograph of part of the execution  
24 chamber at the Draper Facility?

25 A. Yes.

1 Q. And are those the portals we discussed  
2 earlier?

3 A. Yes.

4 Q. And is this a true and accurate depiction of  
5 that wall in the Draper Facility execution chamber?

6 A. Yes.

7 MR. MITCHELL: If we can make this  
8 Exhibit 6, please.

9 (WHEREUPON, a document was marked as  
10 Exhibit Number 6.)

11 MS. NELSON-MAJOR: I would just ask that  
12 Mr. Turley and Mr. Bokovoy refrain from discussing  
13 anything in the middle of his testimony unless  
14 they're actually talking about an assertion of  
15 privilege that's been made.

16 BY MR. MITCHELL:

17 Q. And Mr. Turley, do you see this document  
18 that's been marked UDC 000990?

19 A. I do.

20 Q. Have you seen this document before?

21 A. I have.

22 Q. What is this document?

23 A. I don't know. I would have to review it. I  
24 read it a couple of weeks ago.

25 Q. Okay. Does it appear to be an email?

1 MS. NELSON-MAJOR: Objection.

2 BY MR. MITCHELL:

3 Q. I'm sorry, what was your answer?

4 A. Yes.

5 Q. And do you know who Steven Gehrke is?

6 A. I do.

7 Q. Is that pronounced Gehrke?

8 A. It is.

9 Q. Who is Stephen Gehrke?

10 A. At the time he was our public information  
11 officer.

12 Q. And at the time, would that be January 29,  
13 2014?

14 A. No. No. Yeah. January 29, 2014 he was our  
15 public information person.

16 Q. For the UDC?

17 A. Correct.

18 Q. And do you see where Mr. Gehrke said that an  
19 article cites the number at 165,000?

20 A. Correct.

21 Q. And is that number cited in the article for  
22 costs for the Ronnie Lee Gardner execution in 2010?

23 MS. NELSON-MAJOR: Objection.

24 BY MR. MITCHELL:

25 Q. You can answer.

1 A. I'm assuming that is. Yes.

2 Q. And do you see the line that says: The  
3 majority of those costs went to pay staff for the  
4 increased need for their security presence and  
5 overtime wages?

6 A. Correct.

7 Q. Do you believe this number is accurate?

8 MS. NELSON-MAJOR: Objection.

9 THE WITNESS: I have no reason not to.

10 MR. MITCHELL: Let me have this marked  
11 as Exhibit 7, I believe.

12 (WHEREUPON, a document was marked as  
13 Exhibit Number 7.)

14 MR. MITCHELL: If we could take just a  
15 five-minute break maybe until -- let's make it nine  
16 minutes. Nine-minute break until noon Central, 11  
17 Mountain, and one Eastern, please.

18 (Short break.)

19 BY MR. MITCHELL:

20 Q. Mr. Turley, is execution by firing squad  
21 authorized by Utah's legislature?

22 A. It is.

23 Q. And do you know how long execution by firing  
24 squad has been authorized by Utah's legislature?

25 A. I do not know that.

1 Q. At the time of the Gardner execution, was  
2 execution by firing squad authorized by Utah's  
3 legislature?

4 A. It was.

5 Q. Does UDC execute someone by a method not  
6 expressly authorized by the legislature?

7 A. No.

8 MR. MITCHELL: Mr. Turley, thank you so  
9 much for your time. Those are all of my questions.  
10 Ms. Nelson-Major may have some questions for you.

11 THE WITNESS: Thank you very much.

12  
13 EXAMINATION

14 QUESTIONS BY MS. NELSON-MAJOR:

15 Q. I was about to say good afternoon but I have  
16 been all tied up with the time zone, so good  
17 morning, good afternoon, wherever you are in the  
18 time zone continuum. So Mr. Mitchell asked you  
19 about what you did to prepare for this deposition,  
20 and you said that you consulted deposition  
21 documents.

22 Were you referring to transcripts of  
23 depositions that you had given in previous cases?

24 A. Yes. Not plural. One.

25 Q. One. You also said that you had reviewed the

1 protocol in place for UDC's use in executions; is  
2 that right?

3 A. I read that policy that he went through,  
4 correct.

5 Q. Outside of those two sets of documents, were  
6 there any other documents that you reviewed?

7 A. Yes. Some of those in which Mr. Mitchell put  
8 on the screen today.

9 Q. What other documents that Mr. Mitchell did  
10 not put on the screen did you review in anticipation  
11 of this deposition?

12 A. The same ones I mentioned earlier. A media  
13 packet. Let's see. I think that might be all.  
14 There may be -- there was an email but I think that  
15 there's a -- a survey taken we give to staff after  
16 that was not presented. But other than that, I  
17 think that's it. A redacted version of the  
18 execution chamber. But other than that, that's  
19 everything.

20 Q. The survey you referred to, was it a blank  
21 form, or was it filled out?

22 A. It's a blank form.

23 Q. In addition to talking with Mr. Bokovoy, did  
24 you speak to anyone else in preparation for your  
25 deposition?

1 A. We did -- I did call a Mr. David Worthington.  
2 Now I remember this. I just asked him when the  
3 execution chamber was built.

4 Q. Who is David Worthington?

5 A. He used to be a director of audit and at the  
6 time -- I don't remember his -- what his title was  
7 back then but -- and he didn't even know. He  
8 thought it was a different day. And I come to find  
9 out -- in reading these documents, I found out it  
10 was 1998.

11 Q. Besides discussing the date on which the  
12 facility was constructed, did you talk about  
13 anything else with Mr. Worthington?

14 A. No.

15 Q. Did you talk to Mr. Mitchell before this  
16 deposition?

17 A. I actually -- I didn't talk to him per se. I  
18 was in a room -- I don't remember when -- this week  
19 or last week, when Mr. Bokovoy and Mr. Mitchell were  
20 talking. Mr. Mitchell knew I was in the room and  
21 that did occur.

22 Q. That was a telephone conversation?

23 A. Yeah. It was a Zoom.

24 Q. And what was discussed at that meeting?

25 A. You know, I don't remember per se. It was

1 just questions, just making sure everything was on  
2 target for today.

3 Q. How long was that meeting?

4 A. I don't even know. Ten minutes. Fifteen  
5 minutes. I don't know for sure.

6 Q. Did Mr. Mitchell discuss with you what he  
7 intended to ask you during this deposition?

8 A. Not that I recall.

9 Q. Did you discuss the documents that you might  
10 have in your possession related to this deposition?

11 A. No.

12 Q. Did you review any documents during that Zoom  
13 call?

14 A. No.

15 Q. Was there anyone present on that call besides  
16 Mr. Mitchell and Mr. Bokovoy and yourself?

17 A. Not that I remember. Like I say, I was not  
18 looking at the screen. I was -- I was sitting back,  
19 couldn't even see the computer screen.

20 Q. Besides the Zoom you had with Mr. Mitchell  
21 and Mr. Bokovoy, did you speak with anyone else at  
22 the Attorney General's Office in Tennessee?

23 A. No.

24 Q. What about the Tennessee Department of  
25 Correction?

1 A. No.

2 Q. Were you the person who gathered that set of  
3 documents that you just ran me through at the  
4 beginning?

5 A. No.

6 Q. Do you know who gathered that set of  
7 documents?

8 A. I received them from Mr. Bokovoy.

9 Q. You told us that the chair used in the firing  
10 squad executions was already inside the Draper  
11 Facility when you became warden; is that right?

12 A. Correct.

13 Q. Do you know whether that chair had been used  
14 in an execution prior to Mr. Gardner's execution in  
15 2010?

16 A. I do not.

17 Q. I wanted to ask you a couple of questions  
18 about the Gardner execution in particular.

19 Did you see Mr. Gardner move after he was  
20 struck by the first volley?

21 A. I saw his head slump.

22 Q. Was that the only movement you observed after  
23 the first volley?

24 A. That is correct.

25 Q. Did you hear Mr. Gardner make any noises

1 after the first volley?

2 A. No.

3 Q. Did you observe anything else that would  
4 suggest to you that Mr. Gardner experienced pain?

5 A. No.

6 Q. And he was pronounced dead after that first  
7 volley?

8 A. He was.

9 Q. After the Gardner execution, did you hold any  
10 sort of meeting or debrief?

11 A. I did not. Executive Director Patterson did.

12 Q. Were you present at that meeting?

13 A. I was.

14 Q. Who else was present at that meeting?

15 A. Those that took part in the support role of  
16 the execution.

17 Q. Did that include the members of the firing  
18 squad itself?

19 A. No.

20 Q. Did anyone express any concerns about how the  
21 Gardner execution went at that meeting?

22 A. Not that I recall, no.

23 Q. Did you have any discussions with the firing  
24 squad after that execution took place?

25 A. I did not. I never spoke one word to them,

1 before other after.

2 Q. Did you have any concerns with how the  
3 Gardner execution went?

4 A. No, absolutely not.

5 Q. Did you have any concerns about safety?

6 A. No, absolutely not.

7 Q. Did you have any concerns about whether  
8 Mr. Gardner experienced pain or suffering?

9 A. I did not.

10 Q. Do you know where executions were conducted  
11 prior to the construction of the Draper Facility?

12 A. Just the documents that I have read.

13 Q. And you testified that the Draper Facility is  
14 intended for use in both lethal injection and firing  
15 squad executions; is that right?

16 A. That is correct.

17 Q. Was there anything to your knowledge that UDC  
18 did differently in constructing that building had it  
19 been intended only for use in lethal injections?

20 MR. MITCHELL: Object to the form.

21 BY MS. NELSON-MAJOR:

22 Q. You can answer, Mr. Turley.

23 A. Yeah. You have to have the portals for the  
24 rifles and ballistic windows and Kevlar behind those  
25 things we saw in the picture of the chair.

1 Q. You previously testified that the dimensions  
2 of the chamber were 20 by 24 feet; is that right?

3 A. Approximately, correct. I didn't take a tape  
4 measure but I'm assuming -- guessing that's what it  
5 is.

6 Q. Do you know why those dimensions were chosen?

7 A. I do not.

8 Q. Will those dimensions be replicated in the  
9 new chamber currently being built?

10 A. That is correct.

11 Q. Was there any discussion about expanding the  
12 size of the chamber in the new facility?

13 A. No.

14 Q. So in your opinion, it is of an appropriate  
15 dimension for use in a firing squad execution?

16 A. Yes.

17 Q. Do you know how much it cost to construct the  
18 current facility at Draper?

19 A. I do not.

20 Q. Do you know how much UDC is spending to  
21 construct the new facility?

22 A. I can tell you it is one room inside of a  
23 huge building. And so if it's \$500 a square foot  
24 and the execution chamber is 3,000 square feet, it's  
25 \$1.5 million. It would be like asking how much does

1 your office cost to build. It's in a building.

2 You just have to go by -- by what the square  
3 footage of the entire building would cost and then  
4 how much room is that particular execution chamber.  
5 That's it -- it could be high. It could be low.

6 Q. And just to clarify, when you say \$500 per  
7 square foot, you're not saying that's the actual  
8 cost to construct the chamber?

9 A. Our architects told us \$500 a square foot.  
10 And the execution chamber is 3,000 square feet. So  
11 if you look at it that way, the cost would be  
12 \$1.5 million to build it.

13 Q. And when you say 3,000 square feet, that's  
14 not, obviously, just the execution chamber itself?

15 A. No. That's the whole area. That's the  
16 witness rooms, the bathrooms, the cell where the  
17 condemned goes, the executioner's room. That's  
18 all-inclusive.

19 Q. Do you know how much it cost to construct the  
20 chair?

21 A. I have no idea.

22 Q. Do you know how much UDC spent on the  
23 sandbags?

24 A. I do not.

25 Q. Do you know how much UDC spent on the Kevlar

1 backing?

2 A. I have no idea.

3 Q. Do you know how much UDC spent on the riser?

4 A. I don't.

5 Q. Do you know how much UDC spent acquiring the  
6 firearms that are used in firing squad executions?

7 A. I do not.

8 Q. Is there someone at UDC who would know the  
9 answer to those questions?

10 A. Not currently that I'm aware of.

11 Q. Would those numbers be documented in records  
12 somewhere?

13 A. I have no idea. I mean, it's just a normal  
14 chair. You can go buy metal and weld the chair.  
15 You need 50 feet of tubular steel to weld it. How  
16 much is that? I don't know. It's the piece of  
17 steel that the riser sits on. How much does steel  
18 cost? And you weld it together. I mean, I don't  
19 know. All those things were here long before I was.

20 Q. Is the chair and riser, the steel that you  
21 just mentioned, is that specialized in any way?

22 A. I don't think so. I think it's just tubular  
23 galvanized steel.

24 Q. That one might be able to purchase from a  
25 construction supply store?

1 A. That's what I would --

2 MR. MITCHELL: Speculation.

3 THE WITNESS: That is speculation.

4 That's what I would assume.

5 BY MS. NELSON-MAJOR:

6 Q. What about the two-by-fours behind the chair?

7 Are those specialized in any way?

8 A. No.

9 Q. Regular two-by-fours you might purchase,  
10 again, at a construction store?

11 A. Yes.

12 MR. MITCHELL: Same objection.

13 BY MS. NELSON-MAJOR:

14 Q. Can you describe to me how the chamber would  
15 be prepared differently for a lethal injection  
16 execution as compared to a firing squad execution?

17 A. I cannot. I have never participated in one.

18 Q. Is the firing squad chair stored in the  
19 execution chamber when not in use?

20 A. Sometimes it is. Sometimes it isn't.

21 Q. Where is it stored when it isn't stored in  
22 the execution chamber?

23 A. Just in another area of the institution.

24 Q. Are the firearms that are used by the firing  
25 squad used for any other purpose?

1 A. No.

2 Q. Why not?

3 A. I don't know. That's just always been that  
4 way.

5 Q. Are new firearms purchased for each firing  
6 squad execution?

7 A. No.

8 Q. Do you know the total cost of the ammunition  
9 used in a firing squad execution?

10 A. I don't know the exact cost.

11 Q. I'm just looking through my notes because I  
12 don't want to repeat what Mr. Mitchell has covered.  
13 So if you'll bear with me a moment, I'm trying to  
14 expedite this.

15 A. That's fine. If I just may say, I wasn't  
16 involved in costs of stuff. That wasn't my purview.  
17 Each state does it different.

18 Q. And you said that you're currently, and  
19 correct me if I'm wrong, division director of  
20 special projects?

21 A. Correct.

22 Q. And you're currently overseeing the  
23 construction of a new UDC facility?

24 A. Yeah. Currently making sure the safety  
25 protocols are implemented in the new facility.

1 Q. But you're not involved in the financial  
2 aspects of that construction project at all?

3 A. Well, yeah, to a certain extent. I mean, I  
4 do have to sign purchase orders, et cetera.

5 Q. Are you responsible for signing purchase  
6 orders related to the construction of the new  
7 execution chamber?

8 A. That building that it was in, yes. I have to  
9 approve that, but it didn't say cost of the  
10 execution chamber is X. It was just it's part of  
11 the room inside of the building.

12 Q. Will the riser from the Draper Facility be  
13 used in the new facility that is currently being  
14 constructed?

15 A. That the chair sits on?

16 Q. Correct.

17 A. Yeah, that's the plan.

18 Q. Will there be any alterations made to the  
19 riser?

20 A. That has not been discussed.

21 Q. What about to the chair? Any alterations to  
22 the chair?

23 A. That has not been discussed.

24 Q. In your opinion, do there need to be any  
25 alterations to the chair and riser?

1 A. No.

2 Q. I want to ask you a couple of questions about  
3 the sub-teams you talked about with Mr. Mitchell.

4 You testified that there are eight people who  
5 serve as witness escorts in a firing squad  
6 execution; is that right?

7 A. Yes.

8 Q. Does that number change if the execution is  
9 to be carried out by lethal injection?

10 A. I don't know. I have never participated in a  
11 lethal injection execution.

12 Q. Who decides how many people are part of the  
13 witness escort team during the firing squad  
14 execution?

15 A. I could have been. And I assigned two per  
16 team.

17 Q. Does the protocol set the number of people to  
18 be involved?

19 A. No. I don't think it does. I never read  
20 that.

21 Q. Do you know how many people are on a tie-down  
22 team in a lethal injection execution?

23 A. I think there was five.

24 Q. Do you know whether the observation team is  
25 the same size for a lethal injection execution and a

1 firing squad execution?

2 A. I do not.

3 MR. MITCHELL: Objection; outside the  
4 scope of the notice.

5 BY MS. NELSON-MAJOR:

6 Q. You can answer, Mr. Turley.

7 A. I do not.

8 Q. Do you know whether the clean-up team is the  
9 same size for a lethal injection execution and a  
10 firing squad execution?

11 MR. MITCHELL: Same objection.

12 THE WITNESS: Yeah. I have never taken  
13 part in any part of a lethal injection execution so  
14 I would have no idea.

15 BY MS. NELSON-MAJOR:

16 Q. For the Gardner execution, were you the  
17 person who decided the number of people on the  
18 perimeter team?

19 A. I'm sure I did that with others in the room.  
20 But I would have been involved in that, yes.

21 Q. Was there anything specific to the fact that  
22 the execution was to be carried out by a firing  
23 squad that you considered in setting the size of  
24 that perimeter team?

25 MR. MITCHELL: Objection; form.

THE WITNESS: No. I think you're trying to decipher between lethal and -- we didn't even discuss it. We just discussed what we need for perimeter security.

BY MS. NELSON-MAJOR:

Q. Was there anything about the fact that it was going to be a firing squad execution that made you increase the size of the perimeter team?

A. No.

MR. MITCHELL: Same objection.

BY MS. NELSON-MAJOR:

Q. Was there a ricochet at the Gardner execution?

A. No.

Q. Did anyone at UDC ever discuss with you there being a ricochet at the prior firing squad execution?

A No

Q. You mentioned that the firing squad wears headgear. Can you describe the headgear to me?

A. Goggles and ear muffs. Eye protection and ear muffs

Q. Do you recall the memo that Mr. Mitchell showed you that estimated a need of 1,180 man hours for an execution?

1 A. Yes.

2 Q. Do you know how that number was determined?

3 A. I do not.

4 Q. Do you know who came up with that number?

5 A. I guess Warden Clint Brill (phonetic) did.

6 Q. How many hours are the firing squad members  
7 themselves on site for an execution?

8 MR. BOKOVOY: I am going to object to  
9 that. We would consider that to be protected  
10 information. And I would instruct my client not to  
11 answer that question.

12 BY MS. NELSON-MAJOR:

13 Q. Out of all the sub-teams that we've talked  
14 about, which is the largest on the day of execution?

15 A. Perimeter security.

16 Q. So does perimeter security represent the  
17 largest number of man hours that might go towards  
18 pulling off an execution?

19 MR. MITCHELL: Object to form.

20 THE WITNESS: I'm not sure. They don't  
21 have to train as much. They are already out there.  
22 A lot of the training that occurs for the actual  
23 members of those inside maybe train more. So for me  
24 to say the hours, I don't know that to be a true  
25 statement.

1 BY MS. NELSON-MAJOR:

2 Q. Do you know how much members of the firing  
3 squad are compensated for participating in an  
4 execution?

5 MR. BOKOVOY: I would object to that  
6 question. That would be protected information. And  
7 I would instruct my client not to answer that  
8 question.

9 MS. NELSON-MAJOR: Mr. Bokovoy, can you  
10 explain to me what about that information is  
11 protected?

12 MR. BOKOVOY: We redacted that  
13 information from our policy. We do not want to give  
14 information about how much the executioners are  
15 compensated.

16 BY MS. NELSON-MAJOR:

17 Q. I want to ask you a couple of questions about  
18 the cadence. Who determines what the cadence will  
19 be?

20 A. I do not know that.

21 Q. During the Gardner execution, did you hear  
22 the cadence being called?

23 A. I vaguely remember that.

24 Q. What is the purpose of the cadence?

25 A. Uniformity.

1 Q. What do you mean by uniformity?

2 A. They all shoot at the same time or try to. I  
3 explained that during Mr. Mitchell's questioning.

4 Q. Do you know how long it took to clean up the  
5 chamber following Mr. Gardner's execution?

6 A. No more than 15 minutes.

7 Q. Besides preparing for this deposition, have  
8 you ever talked with anyone at Tennessee Department  
9 of Correction about the firing squad in Utah?

10 A. No.

11 Q. Have you ever talked with anyone at the  
12 Tennessee Attorney General's Office about the use of  
13 firing squads in Utah?

14 A. No.

15 Q. Have you ever visited any of the Tennessee  
16 Department of Correction facilities?

17 A. I have.

18 Q. Which facilities?

19 MR. MITCHELL: Objection; outside the  
20 scope of the notice.

21 BY MS. NELSON-MAJOR:

22 Q. You can answer, Mr. Turley.

23 A. I don't remember exactly the one I went to.  
24 It was a work camp. It had a lot of industries in  
25 it. But I don't remember. And then I also went to

1 a maximum security facility there. It's been many  
2 years ago.

3 Q. Were you invited by the Tennessee Department  
4 of Correction to visit those facilities?

5 MR. MITCHELL: Same objection; outside  
6 the scope of the notice.

7 THE WITNESS: I was working with  
8 National Institute of Corrections when I went there.

9 BY MS. NELSON-MAJOR:

10 Q. When you toured the maximum security  
11 facility, do you recall whether that was Riverside  
12 Maximum Security Institution?

13 MR. MITCHELL: Same objection.

14 THE WITNESS: I did see the electric  
15 chair there in Tennessee. I don't know what the  
16 name of that -- I don't know the name of the  
17 facility.

18 BY MS. NELSON-MAJOR:

19 Q. Do you recall approximately how many years  
20 ago you did that tour?

21 MR. MITCHELL: Same objection.

22 THE WITNESS: Ten maybe. Maybe. I  
23 don't know. It's a guess.

24 BY MS. NELSON-MAJOR:

25 Q. During that tour of the execution chamber,

1 did you speak with anyone from the Tennessee  
2 Department of Correction?

3 MR. MITCHELL: Same objection; outside  
4 the scope of the notice.

5 THE WITNESS: Yeah. I -- I guess. They  
6 were giving us a tour. I mean, I'm going back ten  
7 years vaguely in my mind. The answer, did I ask  
8 questions, probably, probably not. I don't know.  
9 We were on a tour.

10 BY MS. NELSON-MAJOR:

11 Q. Was that tour -- was attendees also  
12 affiliated with the other state Department of  
13 Corrections?

14 MR. MITCHELL: Same objection.

15 THE WITNESS: That was with the National  
16 Institute of Corrections.

17 BY MS. NELSON-MAJOR:

18 Q. And during that tour, did the Tennessee  
19 Department of Correction personnel describe to you  
20 their execution procedures?

21 MR. MITCHELL: Same objection.

22 THE WITNESS: I do not recall. I don't  
23 recall that.

24 MS. NELSON-MAJOR: Could we just take  
25 five minutes. I don't think that I have many

1 questions. I want to double check, but I'm thinking  
2 we can wrap this up fairly soon. Thank you. All  
3 right. Thank you.

4 (Short break.)

5 BY MS. NELSON-MAJOR:

6 Q. You did not read the deposition topics that  
7 Mr. Mitchell's office emailed to you; is that right?

8 A. I don't think I ever saw it until today. Is  
9 that what you're talking about?

10 Q. That's right.

11 A. Yeah, today when he put it up on the screen.

12 Q. In preparing for today's deposition, were you  
13 preparing to discuss the costs associated with  
14 carrying out the protocol for firing squad  
15 executions in Utah?

16 A. Not necessarily. I mean, I reviewed  
17 Mr. Pay's -- his -- his testimony. But the cost,  
18 I -- I wasn't involved much with the cost. That's  
19 other areas other than myself. But the cost has  
20 been presented here, I think. I mean, the cost is  
21 going to be different for every state.

22 Q. Beyond consulting that memo, did you review  
23 any other documents related to the costs associated  
24 with carrying out firing squad executions in Utah?

25 A. No.

1 Q. Do you have any direct knowledge of the costs  
2 associated with carrying out firing squad executions  
3 in Utah?

4 A. No.

5 Q. Do you have any reason to think that the  
6 execution chamber that you toured in Tennessee could  
7 not be outfitted for a firing squad execution?

8 MR. MITCHELL: Objection; outside the  
9 scope of the notice, and also objection to form.

10 BY MS. NELSON-MAJOR:

11 Q. You can answer, Mr. Turley.

12 A. I don't even remember it really. I remember  
13 seeing the cell and the chair and that's it. I  
14 don't know -- I couldn't tell you how big it is. I  
15 couldn't tell you what color it was. I couldn't --  
16 I have no idea.

17 BY MS. NELSON-MAJOR:

18 Q. Do you recall whether you toured the witness  
19 rooms in the execution chamber in Tennessee?

20 A. I do not.

21 MR. MITCHELL: Same objection.

22 BY MS. NELSON-MAJOR:

23 Q. If you thought a firing squad execution posed  
24 a risk to staff, would you raise those concerns with  
25 someone?

1 MR. MITCHELL: Object to the form.

2 THE WITNESS: Yes, I would.

3 BY MS. NELSON-MAJOR:

4 Q. And have you ever raised such a concern?

5 A. No.

6 Q. If you thought an execution by a firing squad  
7 posed a risk to a witness, would you raise those  
8 concerns to someone?

9 A. Yes.

10 MR. MITCHELL: Objection.

11 BY MS. NELSON-MAJOR:

12 Q. Have you ever raised such a concern?

13 A. No.

14 MS. NELSON-MAJOR: I have no further  
15 questions for Mr. Turley. But I would like to hold  
16 the deposition open because Mr. Turley wasn't  
17 prepared to testify to a number of the topics in the  
18 notice.

19 MR. MITCHELL: So two things. One, I  
20 have brief redirect. And, second, there's just our  
21 notice and subpoena so I don't know what capability  
22 you have of that, but I don't know that it's  
23 something for hashing out on the record now.

24 MS. NELSON-MAJOR: It can be on the  
25 record. But sorry. I didn't realize you had

1 redirect.

2 MR. MITCHELL: That's okay.

3

4 EXAMINATION

5 QUESTIONS BY MR. MITCHELL:

6 Q. Mr. Turley, you said that at the Gardner  
7 execution, after shots were fired, the only movement  
8 by Mr. Gardner you saw was his head slump; is that  
9 accurate?

10 A. That is correct.

11 Q. And from the time shots were fired on, was  
12 Mr. Gardner strapped tightly to the chair?

13 A. Yes.

14 MR. MITCHELL: No further questions.

15

16 EXAMINATION

17 QUESTIONS BY MS. NELSON-MAJOR:

18 Q. I have just one question on recross, if you  
19 will.

20 Were Mr. Gardner's hands themselves strapped  
21 to the chair?

22 A. His arms or hands, yes.

23 Q. Was it his arms or his hands that were  
24 strapped to the chair?

25 A. I don't know.

1 Q. Do you recall whether his fingers were  
2 secured to the chair in any way?

3 A. His fingers wouldn't have been. They would  
4 have been loose.

5 MS. NELSON-MAJOR: I have no further  
6 questions. Thank you, Mr. Turley.

7 THE WITNESS: Thank you.

8 THE REPORTER: Would you like to order  
9 this transcribed at this time, Mr. Mitchell?

10 MR. MITCHELL: Yes, please, a PDF copy.

11 THE REPORTER: And would you like a copy  
12 also, Ms. Nelson-Major?

13 MS. NELSON-MAJOR: Yes. Thank you,  
14 Ms. Honeycutt.

15 MR. MITCHELL: Mr. Bokovoy, Mr. Turley,  
16 thank you both for your time.

17 MR. BOKOVOY: Thank you.

18 THE REPORTER: Do you wish to read and  
19 sign the deposition transcript?

20 MR. BOKOVOY: I will do that.

21 FURTHER DEPONENT SAITH NOT

22 (Proceedings adjourned at 12:47 p.m.)

23

24

25

## E R R A T A P A G E

I, STEVEN TURLEY 30(b)(6) UTAH  
DEPARTMENT OF CORRECTIONS, having read the  
foregoing videoconference deposition, pages 1  
through 105, do hereby certify said testimony is a  
true and accurate transcript, with the following  
changes (if any):

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UTAH DEPARTMENT OF  
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**Notary Public**

**My Commission Expires:**

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1 REPORTER'S CERTIFICATE

2 STATE OF TENNESSEE  
3 COUNTY OF DAVIDSON

5  
6 I, Deborah H. Honeycutt, Licensed Court  
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25 My Notary Public Commission Expires: 07/09/24  
LCR # 472 - Expires: 06/30/22

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